

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BERNEST BENJAMIN,

Plaintiff,

v.

No. 14-cv-0784 JB/SMV

**JAMES JACKSON, LAWRENCE ARTIAGA,
and MICHAEL HOHMAN,¹**

Defendants.

ORDER TO CURE DEFICIENCY

THIS MATTER is before the Court on Plaintiff Bernest Benjamin's Prisoner's Motion and Affidavit for Leave to Proceed on Appeal Pursuant to 28 U.S.C. § 1915 and Fed. R. App. P. 24 [Doc. 72], filed on September 25, 2017. Attached to Plaintiff's motion is a copy of his inmate account statement for the time period between August 1, 2017, and September 14, 2017. [Doc. 72] at]. A prisoner seeking leave to proceed *in forma pauperis* must submit "a certified copy of the trust fund account statement, (or institutional equivalent) for the prisoner for the **6-month period** immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined." 28 U.S.C. § 1915(a)(2) (emphasis added). Plaintiff's inmate account statement does not include the requisite **6-month period** immediately preceding the filing of his notice of appeal on September 25, 2017. The Court will order Plaintiff to cure this deficiency within 30 days of the

¹ Defendants indicate that the correct spelling is "Hohman," rather than "Holman." See [Doc. 19] at 1 n.1.

date of this order. Failure timely to cure the designated deficiency may result in the denial of Plaintiff's motion to proceed *in forma pauperis* without further notice.

IT IS THEREFORE ORDERED that Plaintiff cure the deficiency designated above no later than **October 30, 2017**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge